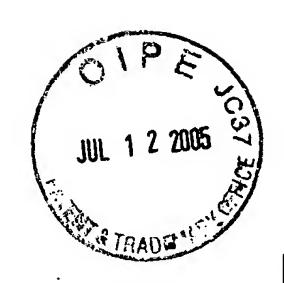
Ify



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Ay

Aydin Ucan

CASE:

031241

RESPONSE TO OFFICE

10/708,359 ACTION

SER. NO.:

FILING DATE:

.07.100,0

FOR:

February 26, 2004

POSITION DETECTOR FOR A MOVING PART IN A PIPE

COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, VA 22313-1450 ATTENTION OF: A.U. 2862

EXAMINER:

Ledynh, Bot L.

Dear Sir:

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 50-0545.

This is in response to the restriction requirement mailed May 19, 2005. Applicant traverses the restriction requirement in the Office Action for the foregoing reasons.

Nevertheless, Applicant provisionally elects, with traverse, the embodiment as generally shown in Figure 1 because 37 C.F.R. 1.143 requires that such an election be made even though it is with traverse. Accordingly, Applicant provisionally elects claims 1-3, 8 and 9.

FACTOR & LAKE, LTD.	Jody L. Factor	34157
1327 W. Washington Blvd	Micheal D. Lake	33727
Suite 5G/H	Edward L. Bishop	39110
Chicago, IL 60607	William J. Lenz	44208
(312) 226-1818 Telephone	Joseph M. Kinsella Jr.	45743
(312) 226-1919 Facsimile	Nick S. Lee	54260

In the restriction requirement, the present application was divided into two species corresponding to Figs. 1 and 4, respectively. However, Applicant respectfully asserts that the restriction requirement is not warranted because both the magnet geometries cited in claims 2 and 4 result in a magnetic field which has a strong radial component. This radial component of the magnetic field is detected by magnetic sensors arranged on the exterior surface of the pipe 10.

Applicants assert that both embodiments in accordance with figures 1 and 4 of the present application work in accordance with the sample principle.

Applicant asserts that working in accordance with a same principle does not necessarily mean that the claims are unpatentable over the same state of prior art. Instead, each claim must be separately judged in view of the state of the prior art and the result of this verification may be that both, one or none of the two claims are patentable.

Accordingly, Applicant respectfully asserts that the argument set forth at the bottom of page 2 of the Office Action, and the first line of page 3, is not valid. Thus, Applicants request that the restriction requirement be withdrawn.

Should the Examiner have any questions or concerns, the Examiner is requested to contact the undersigned at (312) 226-1818.

JUL 12 2005 CONTRACTOR OF TRACES

Dated: July <u>6</u>, 2005

Respectfully submitted,

FACTOR & LAKE, LTD.

Micheal D. Lake

One of Applicant's Attorneys

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Patent Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July ________, 2004.

Yolanda Solis

Name of Applicant, assignee, applicant's attorney or Registered Representative

Signature